

Reply to Office Action

Appl. No.: 09/751,121 Art Unit: 3624

REMARKS

As aforementioned, the United States Patent and Trademark Office in this FINAL Action has indicated that my Replies have been only persuasive in part because that which is being argued is not found in all of the independent claim limitations, for although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. To address this very important concern, the independent claims along with many of the dependent claims have been currently amended in this submitted Reply to rectify this very point. Also, per the direction of the United States Patent and Trademark Office, claim format or informalities in Claims 32, 34, 37, 41 - 43, 47, 48 and 63 have been corrected. Claims 64, 65, 66, 67 and 68 referring to a central processing system including at least one central processing unit, a memory for storing a database of information and the resulting transactional process and system, network, site integration data and a communication interface for the Internet have all been cited as being rejected due to prior art. As previously argued, these requirement are required for any and all Internet freight system and has not been nor should be proprietary to any one applicant, for it is how a method and system operates and is implemented that are the critical and inventive step aspects. No different that citing having shippers, carriers, loads and transportation equipment being patentable by themselves accruing to any one applicant, as they have been the core of freight handling from time immemorial.

Comprehensive prior Reply submittals to the respective Office Actions relative to the United States Patent and Trademark Office referenced prior art Chou, (US 6,035,289), Barni (US 6,064,981), Meltzer (US 6,125,391) and Wied (US 2005/0209913 A1) both individually and/or in combination presently considered

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pertinent to this applicant's disclosures, which fully support that my patent application subject-matter does, in fact, comprise inventive steps, have been resubmitted herein to be included and therefore considered to be part of this Reply.

My method and system provides for a Grand Master Bulleting Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management, product and service environments to determine the best business decisions prior to responding all via one method and system.

NOTE: With the unique flexibility of the Grand Master Bulletin Board method and system "transportation tool" a shipper or buyer is allowed to review each of the results of multiple scenarios before making a final determination and/or bid selection as to the best approach, understanding that all participants can be required to meet specific qualifications to participate. This total integration of supply chain steps within one environment is literally the "Holy Grail" for optimal freight management. Also, using only portions of the possible features of the method and system for any particular situation does not invalidate the overall invention by requiring only one group of parameters or classifications be they in combination or separately. Public or private, loads, equipment, warehousing, products (goods or services), etc. are all integral parts of freight management.

Due to the many years of time passing during my application process some of my strong arguments addressing Wied, Barni and Chow in particular may well have been inadvertently set aside, as these same prior art names have again

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been mentioned in the denial decision of the United States Patent and Trademark Office. Please read the following resubmitted Remarks from several prior Replies to correct this apparent and unfortunate misunderstanding of their relevance to my application.

**PARTIAL RESUBMISSION OF REMARKS FROM MARCH 13, 2007 REPLY
RELATIVE TO CITED PRIOR ART IN WIED, BARNI, CHOW AND MELTZER**

Paragraph 6 and 7. Claim rejections – 35 USC 103 have been asserted by the United States Patent and Trademark Office on Claims 32 – 68 as being unpatentable over (US 2005/0209913 A1) Wied et al, hereafter Wied claims priority to provisional application No. 60/194,727 filed April 5, 2000 in view of (US 6,064,981) Barni et al, hereafter Barni and subsequently in the Conclusion cited (US 6,125,391) Meltzer et al, hereafter Meltzer as prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Addressing the aforementioned in reverse order, Meltzer, while not presently being relied upon, is by itself of such marginal pertinence, that its even being mentioned at this late a date in my application process is disturbing, as it shows that the United States Patent Office apparently is missing the whole thrust of the inventive steps of my Method and System for E-commerce Freight Management. Meltzer's invention is a market making node, routing machine-readable documents to businesses via a network by posting same on the Internet or otherwise communicated to members of the network. This is basically just placing typical printed paper documents in an electronic format on the Internet to accelerate the business processes. The system posts as well as stores the documents in a library or database structure for future recall. Its purpose is to closely parallel the way in which paper based business operate.

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My application is just the opposite to paralleling present offline business operations by proposing to radically change the way and methods used to communicate within all aspects of the industry. Meltzer's relationship to my application as well as to the freight management industry itself including the complex relationships between shippers, carriers, brokers, third party logistics companies (3PLs) warehouseers, loads, loading, products, services, operations, etc. is merely a statement indicating that Meltzer could somehow be used within a shipper's environment. This is ridiculous on its face as its use would be extraordinarily minimal at best. Ironically, were Meltzer of such pertinence, the once again cited prior art Barni's application might well have been affected, as Meltzer filed first on October 16, 1998, receiving a patent September 26, 2000, and Barni filed second on June 17, 1999, receiving a patent on May 16, 2000, but such was not the case as Meltzer did not impact Barni's patentability..

The features of my application, which have been mentioned and shown in extensive detail on numerous occasions, hardly comprise just a method and system to turn machine readable documents into an electronic format on the Internet and then store same as needed for future use and/or record. My Grand Master Bulletin Board approach for freight management includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management environment all via one method and system is highly unique and incorporates a plethora of inventive steps, being a true dynamic business tool. Rather than once again repeating the lengthy descriptions inherent in my application, I refer to my extensive file of Replies to all of the prior United States Patent Office Actions to fully explain the various features and aspects of my application.

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That being said, Paragraph 8: Response to Arguments – The United States Patent and Trademark Office have concluded that after full consideration, my arguments are only persuasive in part. Additionally, since the assertion continued in that if the applicant argues certain features those features need to be primarily in the independent claim limitations. Considering that all patent applications with few exceptions consist of both independent and dependent claims and that inventions with numerous unique features both supporting and relative to the independent claims would have more dependent claims, all of importance to the overall functionality of the method and system, without just creating a plethora of independent feature claims, I respectfully request that the United States Patent and Trademark Office direct how I might amend the special feature individual dependent claims to be independent or to be in a manor which will allow me to argue these specific substantial features which are presently being minimized or ignored in the examination of my application.

Additionally, I truly find it hard to believe that Barni is once again being cited on Pages 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16 of the December 13, 2006 Office Action along with (US 6,035,289) Chou et al, hereafter Chou on Pages 5 and 7. Both of these patents have been thoroughly discussed in my May 16, 2005 Reply to the Office Action of November 13, 2004, my November 11, 2005 Reply to the Office Action of August 11, 2005 and re-submitted in my Reply to the November 18, 2005 Office Action. Please re-read these replies to better understand my frustration. If it is required to re-submit past replies in one all encompassing application reply, I will so do.

These replies clearly show that my application has inventive steps and is patentable over each individually as well as in the convoluted attempted combination by the United States Patent and Trademark Office in which not only

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have the two not been combined, the two individual systems also never stated, intended or are capable of initiating my approach and even further, due to the nature of the individual necessarily inherent operative methods and systems, the combination of Barni and Chou is not only impractical but absolutely impossible to achieve – again, this was described in my aforementioned Replies to the individual Office Actions.

To now once again cite these two patents, Barni and Chow, following all of the above, indicates that the United States Patent Office does not yet understand the enormous ramifications of my method and system and is extremely disheartening after six years, considering that these two patents were approved shortly after they were filed, under one and two years respectively.

Finally Wied, filed May 13, 2005, claiming benefit of U. S. Provisional Application No. 60/194,727, filed April 5, 2000, U. S. Provisional Application 60/245,801, filed November 3, 2000, and U.S. Provisional Application entitled: "Improved Computer System and Method for Facilitating Commerce Between Shippers and Carriers Incorporating Improved Data Depot Functionality", filed November 20, 2000. Being able to challenge other applications filed within one year prior to this applicant's filing date of December 26, 2000, my invention development efforts for my Method and System for E-Commerce Freight Management substantially precede not only the two November 2000 filings by Wied but also Wied's initial April 5, 2000 filing date.

As mentioned in the opening paragraph following the Re: of this reply, my application is, in fact, prior art to Wied, not the other way around. Wied's approach is really quite basic and all of the features of his application were and necessarily had to be first developed by me on the path to the very complex

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method and system approach of my Grand Master Bulletin Board concept. Without initially addressing the steps in Wied, it would have been literally impossible to arrive at the subject matter and inventive steps of my application. Wied should not be considered as prior art to my application. Therefore, all assertions relative to this applicant's patentability based on Wied are moot and none of the supposed prior disclosures as described under Paragraph 7, Pages 3 – 19 of the United States Patent and Trademark Office Action would need to be addressed by me in this reply.

However, respecting the United States Patent and Trademark Office and to help the United States Patent and Trademark Office better understand my application, I have addressed the Wied patent application in the following paragraphs along with its relevance to my application, directing comments and remarks to the areas as cited in the present office action:

Wied's application is an Internet based method of facilitating commerce between shippers and carriers which includes the steps of capturing electronic shipment requests for available shipments, the shipment requests including shipment specific criteria and carrier access criteria, and storing the electronic shipment requests in a database. The electronic shipment requests are presented for action to the remote carriers meeting the carrier access criteria. These remote carriers may reply to the shipment requests with fulfillment offers, which are responsive to the presented shipment requests. Carrier fulfillment offers are received and presented to the remote shippers originating the electronic shipment requests. An Internet based system for implementing the method of the present invention is also disclosed.

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As per Claim 32 on Page 3, it is asserted that Wied supposedly discloses a computerized freight management method for arranging for shipment of a load from a shipper by a carrier, based on shipping data and carrier data supplied by the shipper and the carrier, respectively, or for arranging for the buying or selling of a product, wherein the product comprises either a good or service, based on buyer data and seller data supplied by the buyer and the seller, respectively, the method comprising,: inputting into the central processing system a request for bids from and by the shipper for shipping the load and from and by a buyer for purchasing a product; electronically transmitting an invitation to bid for shipping the load or purchasing a product from and by the central processing system to a plurality of carriers; and electronically receiving bids at the central processing system from and by at least some of the carriers for shipping the load or from and by the sellers for selling a product.

However, just because, like this applicant, Wied also discloses a computerized method for shipper and carrier communication including load and carrier requirements hardly gives Weid sole patent application protection for these simplistic freight operational parameters as required in any and all freight arrangements between shippers and carriers from time immemorial. Such an assertion would be absolute foolishness as any Internet freight system developed requires shippers, carriers, load information and some type of qualifications along with the ability to receive some responses via a computerized method permitting access to the Internet, as is further exemplified by both Barni and Chou, prior to Wied. Additionally and most importantly, it is how this entire e-commerce freight management process is implemented and operates that decidedly differentiates methods and systems. Also, Wied's method is directed to basic shipper and carrier information and communication, not incorporating the integrated buying

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and selling of general products including goods and services but rather, if any, only possibly in an adjunct data mode.

Wied's failing to disclose, electronically transmitting to the shipper a bid report with bids received from at least some of the carriers or some of the sellers receiving the invitation to bid from and generated by the central processing system; and electronically receiving from the central processing system from and by the shipper or from and by the buyer a bid selection of at least one of the bids, is a major feature distinction from this applicant's application. Additionally and very importantly in this applicant's submittal and missing from Wied is not just that this bid report is electronically transmitted to the shipper but that it is transmitted automatically by the central processing system without the shipper having to initiate a request for same. Barni, who as aforementioned should no longer be considered, teaches electronically transmitting to the shipper a bid report but does not do so automatically – same must be requested by the shipper. Combining Wied's obviously required shipper and carrier data with a Barni quasi transmission approach does not preclude this applicant's patentable automatic method and system transmission feature.

As per Claim 33 on Page 5, Wied failed to disclose the method of Claim 32, further comprising the step of responding to the bid selection by the shipper by the central processing system electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper. Barni teaches, responding to the bid selection by electronically transmitting a name and a phone number of the corresponding one of the carriers to the shipper. The convoluted combination by the United States Patent and Trademark Office of three separate applications Wied, Barni and Chou, which incorporates anonymity and also as with Barni being a patent that should no longer be considered over this

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applicant's method and system, grants undeserved inventive steps to those whose systems do not perform in the manners so described.

As per Claim 34 on page 6, it is asserted that Wied supposedly discloses the method of Claim 32, wherein the invitation to bid is first transmitted from the central processing system to a third party, who then communicates the invitation to bid to a plurality of carriers in locations remote from the central processing system; and wherein the bids for at least some of the carriers are electronically received at the central processing system as inputted from and by the third party. While Wied discloses the use of brokers or partners as a third party to somewhat relate to that of Claim 32 in transmitting invitations to bid first to them who, one is assuming that they in turn communicate to a plurality of carriers, a situation not necessarily so. Wied's electronically transmitting invitations for bids for a plurality of loads from and by the central processing system to an individual carrier is certainly not proprietary to the exclusion of this applicant; although, one does not even know whether it is of and by the system or individually directed manually by the shippers as Wied is basic and not a comprehensive method and system.

As per Claim 35 on Page 6, Wied discloses the method claim 32, wherein the step of electronically transmitting an invitation to bid further includes electronically transmitting invitations for bids for a plurality of loads from and by the central processing system to an individual carrier. Giving a carrier more than one load at a time is hardly proprietary, it is the method of giving and arranging the loads and load information for the individual carrier to allow the carrier to fully and efficiently work with the data – the unique applicant's integrated bulletin board approach.

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As per Claim 36 on Page 6, Wied failed to disclose the method of Claim 32, wherein the step of electronically transmitting to the shipper a plurality of bids further includes electronically transmitting to the shipper bids from a plurality of loads from a plurality of carriers from and by the central processing system, again showing the very simplistic approach of Wied. Again Barni is cited to be combined with Wied to help develop Wied's system. Then as before Chou is brought into the mix to assist in improving features lacking in that system to provide an improved online business incorporating the negotiating of shipping route and pricing and also missing the point as negotiating is not an element of this applicant's method and system. While all, including this applicant, have certain inescapable core requirements including shippers, carriers, loads, etc. that cannot be solely claimed by any one system, Weid, Barni and Chow are completely different from this applicant's submittal in their applications, operations and resultant desires and effects – the Grand Master Bulletin Board concept of this applicant stands starkly alone like no other in its capabilities to serve the e-commerce freight management industry.

As per Claim 37 on Page 7, it is asserted that Wied supposedly discloses a computerized method of buying and selling a product wherein the product comprises either a good or a service, the method comprising: transmitting the first report to the buyer without the buyer having to initiate communication with the computer system; and wherein the buyer can select one of the bids and communicate an acceptance to the computer system, which will then notify the other party of the communication to complete the sale. Wied disclosures relate to shippers and carriers in the freight transportation industry. Weid is not a comprehensive overriding method and system combining and interrelating shippers, carriers, loads, loading, equipment, buyers, sellers, products, services, warehousing, etc. For the United States Patent and Trademark Office to reject

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this claim out of hand for such similar aforementioned flawed rationale as given above for Claim 32 is also and again unfair.

As per Claim 38 on Page 7, it is asserted that Wied supposedly discloses the method of Claim 37, wherein in response to receiving a plurality of invitations to bid from a plurality of buyers, making an analysis of the offers to invitations to bid and distributing the invitations to bid to sellers according to at least one predetermined criterion stored in the computer system; and transmitting the second report to the seller without the seller having to initiate communication with the computer system. Again this claim has been rejected by the United States Patent and Trademark Office for the similar flawed rational as given above for Claims 32 and 37. One positively knows that this is false in that Wied did not disclose, as was indicated by the very words of the United States Patent and Trademark Office with respect to Wied and claim 32 relative to requiring the combining with Barni and then not having the capability of automatically receiving a report without the shipper, or seller in this case, having to initiate communication with the computer system.

As per Claim 39 on page 8, Wied and Barni failed to disclose the method of Claim 37, wherein forms containing the invitations to bid can be stored in the computer system and revised with indicators by adding a letter suffix to the system number to save re-inputting the forms to the computer system. An added letter suffix can also indicate that an invitation to bid has been revised or changed due to an error or new requirement informing the carriers that the original invitation to bid is no longer valid and to re-bid, as was stated in Original Claim 3 (Cancelled).due to an improper overly descriptive format. These are not obvious features to be freely added to either or both Wied and Barni.

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As per 40 on Page 8, it is asserted that Wied supposedly discloses the method of Claim 37, wherein invitations to bid can be imported in large numbers from existing computer databases through the use of electronic transfer programs. The practicality of such a transfer of large numbers of invitations to bid in Wied's method is questionable considering Wied's critical lack of a bid reporting process to shippers.

As per Claim 41 on Page 8, it is asserted that Wied supposedly discloses the method of Claim 37, wherein a duplicate of an invitation to bid on the computer system is transmitted from the computer system to a third party intermediary is unable to change any data or information of the original invitation to bid except for the list of potential sellers for receiving the resulting request to buy from the third party intermediary; and wherein the computer system indicated on an original of the invitation to bid and on the duplicate that they are being communicated to potential sellers at the same time. There is no evidence that Wied's method produces a non-changeable duplicate of the original invitation to bid or that duplicates of the original are being bid to others as selected by the third party.

As per Claim 42 on Page 9, it is asserted that Wied supposedly discloses the method of Claim 37, wherein the plurality of invitations to bid from a plurality of buyers available to a plurality of sellers on the computer system for electronic access by the buyers includes making loads available to carriers on an electronic bulletin board accessed through the computer system; and wherein making a plurality of bids by a plurality of sellers available to buyers on said computer system for electronic access by the sellers buyers includes making prospective scheduled carriers available to shippers on an electronic bulletin board accessed through the computer system. Wied does not incorporate a complex integrated

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bulletin board approach along with the required master bulletin boards and over riding the grand master bulletin board as with this applicant.

As per Claim 43 on Page 9, it is asserted that Wied supposedly discloses the method of Claim 37, wherein the invitations to bid are provided by transportation shippers; and wherein the bids are provided by transportation carriers; and wherein the computer system electronically selects invitations to bid or bids in groups of seven and orders the bids or invitations to bid based on price and other factors. Wied does not offer an automatic computer generated electronic grouped seven (7, 14, 21, 28, 35, etc.) reporting system.

As per Claim 44 on Page 9, it is asserted that Wied supposedly disclosed the method of claim 37, wherein the reports to the buyer are accessible on the computer system through a carrier bulletin board and the reports to the seller are accessible on the computer system through a shipper bulletin board. Again, Wied does not incorporate a complex integrated bulletin board approach along with the required master bulletin boards and over riding the grand master bulletin board as with this applicant.

As per Claim 45 on Page 9, it is asserted that Wied supposedly discloses the method of Claim 37, further comprising maintaining a master bulletin board of all data on the computer system which further comprises publicly accessible shipper bulletin boards and publicly accessible carrier bulletin boards and private access networks that have limited access. As aforementioned, Wied does not incorporate a complex integrated bulletin board approach along with the required master bulletin boards and over riding the grand master bulletin board as with this applicant.

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As per Claim 46 on Page 10, it is asserted that Wied supposedly discloses the method of Claim 37, further comprising bulletin boards with line items including items for sale and line item link buttons on said bulletin boards for directly accessing other data provided by the buyers and sellers. Again, Wied does not incorporate a complex integrated bulletin board approach along with the required master bulletin boards and over riding the grand master bulletin board as with this applicant.

As per Claim 47 on Page 10, it is asserted that Wied supposedly discloses the method of Claim 37, wherein available transportation equipment and planned trips, as well as loads, warehousing, products and services can be entered into the system all likened to a load with qualifications and descriptions as line items in lists of items and/or with descriptive prefixes. This is patently untrue as Weid discloses absolutely nothing like this approach. The United States Patent and Trademark Office, for reasons I do not understand, has misstated and misrepresented Wied throughout this Office Action, with the most unfortunate and unfair result of discrediting numerous unique inventive steps of this applicant. The following illustrates the use of the prefix approach:

Claim 47 (Currently amended) reflects in a very simplified and abbreviated format that which is completely described within the description and specification portions of my method and system for e-commerce freight management application. This claim 47 (Currently amended) was revised from the original claim 11 (Cancelled) at the request and direction of the United States Patent and Trademark Office due its being in an overly narrative and descriptive format which repeated that already stated as aforementioned. However, reading claim 11 (Cancelled) below should immeasurably help in the understanding of the critical importance and directly freight management related nature of the "likened

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to a load” entries possible through the Grand Master Bulletin Board concept: carrier equipment availability, carrier equipment leasing or renting, multiple delivered loads, groups of loads, load tours, products to be bought and shipped, warehousing for products bought and shipped, and other freight management services. The Grand Master Bulletin Board method and system for e-commerce freight management is truly a versatile “transportation tool”.

Claim 11. (Cancelled) The freight management method of claim 1, wherein likened to a load, equipment can be entered into the system with similar qualification and descriptions that are afforded load information. This allows carriers to advertise their available equipment to shippers and carriers along with pertinent requirements including price. The request for rates, bids and communication (RFB) for equipment is filled out with the following exception: The origin city and the destination city incorporate a prefix such as EQUIP/ followed by a state: A carrier can denote that anywhere in a state is acceptable.

(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/CHICAGO, IL) or

(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/ANYWHERE, IL)

or

(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/CHICAGO, IL) or

(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/ANYWHERE, IL);
and

wherein the freight management method and system of claim 1, wherein

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likened to a load, leasing or renting of equipment can be indicated with an origin and destination city prefix such as LEASE/ or RENT/. The RFB with its additional information area will completely address the offering; and

wherein the freight management method and system of claim 1, wherein likened to a load, multiple delivered loads can be entered into the system and indicated with an origin and destination city prefix as MULTI/. The RFB also indicates the multiple delivery nature of the request and supplies the required additional information; and

wherein the freight management method and system of claim 1, wherein likened to a load, groups of loads can be entered into the system and indicated with an origin and destination city prefix as GROUP/. The RFB with its additional information area will completely address the request; and

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wherein the freight management method and system of claim 1, wherein likened to a load, tours can be entered into the system and indicated with an origin and destination city prefix as TOUR/. The RFB with its additional information area will completely address the request. This allows shippers and carriers to offer complete tours or if needing one or more legs of a tour to be combined with the one or more legs already established to address circuitous routing and return both the carriers equipment and driver to the point of origin; and

wherein the freight management method and system of claim 1, wherein likened to a load, products can be entered into the system and indicated with an origin city prefix as PROD/ and the destination city box used for the products description (e.g. origin PROD/MILWAUKEE, WI – destination “NAME” TOMATO SOUP, 24/8 OZ). The RFB with its additional information area will completely address the request. This option addresses products on the open market, special offerings or through diverting; and

wherein the freight management method and system of claim 1, wherein likened to a load, warehousing can be entered into the system and indicated with an origin city prefix as WARE/ and the destination city box used for the warehouse description (e.g. origin WARE/MILWAUKEE, WI – destination 250,000 SQ FT, HEATED, 20 FT HGT). The RFB with its additional information area will completely address the offering; and

wherein the freight management method and system of claim 1, wherein likened to a load, other services can be entered into the system and indicated with an origin city prefix as SERV/ or other descriptive

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abbreviation and the destination city box used to describe the service. The RFB with its additional information area will completely address the requirement of the service; and

wherein as an alternative or an addition to the above, a separate column on the bulletin boards can be incorporated to indicate equipment, leasing or renting, multiple loads, group loads, tours, products, warehousing and other services as opposed to a load request.

As claim 1 (Cancelled) above shows that shippers and carriers which, as aforementioned, are buyers and sellers by necessity have to address loads, products and services in the freight management arena as they are not divergent subject matter as asserted by the United States Patent and Trademark Office in Paragraph 6. of the August 24, 2006 Office Action. The Grand Master Bulletin Board with Master Bulletin Boards and Bulletin Boards by incorporating the "load" and "likened to a load" format allows shippers and carriers for the first time to fully integrate their freight management operations addressing the complete supply chain.

As per Claim 48 on Page 10, Wied failed to disclose the method of Claim 37, wherein invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers and sellers, respectively, thereby allowing anonymity of each and requiring selections to be based on individual qualifications and price. Wied's system of reporting as aforementioned would make the anonymity option a problem with an allowance modification.

As per Claim 49 on Page 11, it is asserted that Wied supposedly discloses the method of claim 37, further characterized in invitations to bid and bids transmitted to the buyers and sellers, respectively, do not indicate the identity of the buyers

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and the sellers, respectively, do indicate the identity of the buyers and the sellers, respectively as the participants are already associated with or contracted to each other, thereby eliminating the need for anonymity. Wied's missing name notification element, as aforementioned, requires a combination with elements offered by Barni

As per Claim 50 on Page 11, Wied failed to disclose the method of Claim 37, wherein a third party can initially submit a bid to a buyer of \$0.00 or use a decline button indicating that for whatever reason the request to buy has been reviewed but has been declined, or the third [party can initially bid \$1.00 or use an accept button to indicate that the reviewed request to buy will be handled and that the final bid and/or rate will be forthcoming, so that the buyer will not have to submit the request to buy to another carrier. Wied's lack of bid acceptance or declining elements again indicates a simplistic, inflexible basic approach freight management method. Again, Barni is being substituted to expand Wied's capabilities.

As per Claim 51 on Page 12, Wied failed to disclose the method of Claim 37, wherein bids by sellers for re-locating empty containers can be positive dollar amounts, zero or negative dollar amounts which would indicate that the seller would pay the buyer to move the empty container. This bidding including the negative amounts gives carriers unique opportunities to increase their equipment portfolio on a per trip basis while moving the containers to the port cities for the shippers. Wied's system may or may not even be able to be modified to accept negative bidding.

As per Claim 52 on Page 13, it is asserted that Wied supposedly discloses the method of Claim 37, wherein the invitations to bid, bids and reports are

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transmitted by facsimile as facsimile data files and are converted on a receiving end using an optical character recognition program. There is no evidence that Wied's method incorporates the use of optical character recognition capabilities to fully integrate paper documents into the electronic method and system.

As per Claim 53 on Page 13, Wied discloses the method of Claim 37, wherein invitations to bid, bids and reports are transmitted over the Internet. This capability would be required in any and all freight management applications using the Internet and has not been and cannot be proprietary to any one applicant. How the data is handled after its transmission is the critical factor.

As per Claim 54 on Page 13, Wied discloses the method of Claim 37, wherein invitations to bid, bids and reports are transmitted in a data file via e-mail. This optional capability has not been and cannot be propriety to any one applicant. How the data is handled after its transmission is the critical factor.

As per Claim 55 on Page 13, Wied and Barni failed to disclose the method of Claim 37, wherein the invitations to bid, bids and reports are created through interactive voice response. This optional capability has not been and cannot be propriety to any one applicant. How the data is handled after its transmission is the critical factor.

As per Claim 56 on Page 13, Wied discloses the method of Claim 37, further comprising the step of inputting carrier profile data into computer system, wherein the carrier data includes carrier identification data, carrier contact data, carrier service are data, carrier intermodal capabilities data, carrier load type data, carrier type data, carrier annual revenue data, carrier employee size data, carrier on-time and damage-free delivery rating data, carrier equipment data,

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carrier special services data, carrier commodities hauled data, carrier financial condition data, carrier hazardous license data, carrier driver data, carrier insurance data, and carrier rules and charges data. All freight management methods and systems must have and do have a form of the above including a few up to all of the parameters in the more sophisticated. Just how many of the areas and to what specific detail are presently included with Wied is not determinable nor is the system itself in analyzing same.

As per Claim 57 on Page 14, Wied discloses the method of Claim 37, wherein the invitation to bid can be compared with seller profile data previously input to the computer system to select a group of qualified sellers to receive the invitation to bid. Wied like Chow does not have the flexibility to allow those not meeting all of the criteria to receive the invitation to bid. This applicant permits flexibility allowing sellers the option to work with other parties to enhance their profiles on a per bid basis.

As per Claim 58 on Page 14, Wied discloses the method of Claim 37, further comprising inputting buyer profile data into the computer system, wherein the buyer data includes buyer identification data, buyer contact data, buyer annual revenue data, buyer number of employees, and buyer financial data. Similar to Claim 56 for carriers, this claim addresses buyers profile data.

As per Claim 59 on Page 14, Wied discloses the method of Claim 37, wherein the invitation to bid includes buyer qualifications to make a bid. Again, qualification enhancement is possible as is in Claim 57 for sellers but not is Wied or Chow.

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As per Claim 60 on Page 14, Wied and Barni failed to disclose the method of Claim 37, further comprising individual buyer and seller bulletin boards, which can be customized by the buyers and sellers to the requirements of the buyers and sellers, respectively. This feature is extremely important as it relates to the overall Grand Master Bulletin Board approach which integrates all elements both public and private along with all of the various aspects of loads, equipment, tours, warehousing, etc.

As per Claim 61 on Page 14, Wied failed to disclose the method of Claim 37, further comprising displaying multiple windows providing the display of a plurality of bulletin boards including at least two of the following: a bulletin board for transportation loads, a bulletin board for available transportation equipment, a bulletin board for trips, a bulletin board for products, and a bulletin board for warehousing services. These multiple bulletin boards as aforementioned all integratable via the Grand Master Bulletin Board approach is crucial to the application and is anything but obvious to those with ordinary skill in the art. To say that this method and system is obvious is just outright false. Prior Claim 47 with its explanation indicates the integration elements with this applicant's approach. To say that Wied could be modified to offer same is being factious at best.

As per Claim 62 on Page 15, it is asserted that Wied supposedly discloses the method of Claim 37, further comprising private access networks with access to the computer system, each private access network requiring input of individual member numbers and authorization codes for access to the computer system. The extent to Wied's private networks or any relationships between public and private access is not clear but what is clear is that what is offered or capable

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within either, Wied's method and system is quite different from that of this applicant..

As per Claim 63 on Page 15, it is asserted that Wied supposedly discloses a computerized freight management system for arranging for shipment of a load from a shipper by a carrier, based on shipping data and carrier data supplied by the shipper and the carrier, respectively, of for arranging for the buying or selling of a product wherein the product comprises either a good of service based on buyer data and seller data supplied by the buyer and the seller, respectively, the system comprising: a Central Processing System means for making a plurality of invitations to bid from a plurality of shippers available to a plurality of carriers as a carriers bulletin board on the computer system for electronic access from the central processing system by the carriers or from a plurality of buyers available to a plurality of sellers as a sellers bulletin board on the computer system for electronic access from the central processing system by the sellers.

Wied failed to disclose, means for making a plurality of bids from a plurality of carriers available to shippers on said computer system as a shipper's bulletin board for electronic access from the central processing system by the shippers or from a plurality of sellers available to buyers on said computer system as a buyer's bulletin board for electronic access from the central processing system by the buyers; said shipper's bulletin board and said carrier's bulletin board are integrated together into a master bulleting board on the central processing system or said buyer's bulleting board and said seller's bulletin board are integrated together into a master bulletin board on the central processing system that is publicly accessible parts of which can be viewed by member of the public; and wherein said master bulletin board also includes private bulletin boards that

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are only accessible by a limited number of parties having proper identification and passwords for access.

To give credit to Barni for the truly inventive steps inherent in this applicant's Grand Master Bulletin Board approach with all of its enormous ramifications would be almost criminal, and to then suggest that Wied should come along for the ride because all of it is just so obvious to one with ordinary skill in the art is, on its face, unconscionable.

As per Claim 64 on Page 18, Wied discloses the freight management system of Claim 63, wherein the central processing system includes at least one central processing unit and a communication interface to the Internet. This is required for any and all Internet freight systems and has not been and cannot be proprietary to any one applicant. How the method and system operates is the critical factor.

As per Claim 65 on Page 18, Wied discloses the freight management system of Claim 63, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data, and a communication interface to the Internet. This is required for any and all Internet freight systems and has not been and cannot be proprietary to any one applicant. How the method and system operates is the critical factor.

As per Claim 66 on Page 18, Wied discloses the freight management system of Claim 63, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data along with all of the individual load, equipment, product,

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services and the resulting transactional process and system, network, site integration data, and a communication interface to the Internet. This is required for any and all Internet freight systems and has not been and cannot be proprietary to any one applicant. How the method and system operates is the critical factor.

As per Claim 67 on Page 18, Wied discloses the method of Claim 37, wherein the central processing system includes at least one central processing unit, a memory for storing a database of shipper profile data and carrier profile data along with all of the individual load, equipment, product, services and the resulting transactional process and system, network, site integration data, and a communication interface to the Internet. This is required for any and all Internet freight systems and has not been and cannot be proprietary to any one applicant. How the method and system operates is the critical factor.

As per Claim 68 on Page 19, Wied discloses the method of claim 37, wherein the central processing system and/or database is located on and/or remote from the Internet. This has not been and can not be proprietary to any one applicant. How the method and system operates is the critical factor.

PARTIAL RESUBMISSION OF REMARKS FROM SEPTEMBER 24, 2006

The United States Patent and Trademark Office asserts in the Office Action of August 24, 2006 under Election / Restrictions Paragraph 2. (I.) that Claims 32 – 36 and 63 – 66, drawn to a method and system for freight management and arranging for shipment of a load from a shipper by a carrier, classified in class 705, subclass 7. and that under Paragraph 2. (II.) that Claims 37 – 62 and 67 –

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68, drawn to a method of buying and selling a product with the product being a good or service, classified in class 705, subclass 37.

Paragraph 3. In this same Office Action then continues by implying that therefore there are two distinct inventions as Group I and Group II related as combination and subcombination. The separate and distinct nature of inventions in this relationship was determined by the United States Patent and Trademark Office through attempting to show that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP 806.05(c)). The United States Patent and Trademark Office's example for Group I directed to a method and service for freight management and arranging for shipment of a load from a shipper by a carrier was a shipment of crude oil or steel. Whereas, the examples for Group II directed to buying or selling a product with the product being a good or service and making bids were via an internet auction bidding on shares of Microsoft stock or a government contract to provide service to the Federal Government. The stock sale in Group II being absolutely absurd and categorically impossible of ever occurring and only freight / supply chain management related events ever being considered in addressing the Federal Government shows a total misunderstanding of the true nature and revolutionary importance of my invention to the freight management industry by the United States Patent and Trademark Office.

Paragraph 4., Paragraph 5. and Paragraph 6. followed by concluding that because Paragraph 3. supposedly and irrefutably indicated that there are two distinct inventions, that search required for Group I is not required for Group II and that search required for Group II is not required for Group I and that therefore the two have acquired a separate status in the art because of their

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incorrectly recognized distinct and divergent subject matter respectively, the restrictions for examination purposes as indicated were proper.

Paragraph 7. then advised that for my reply to this requirement to be complete, there must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). This is patently unfair on its face as the United States Patent Office has most apparently completely misunderstood my application, resulting in false assertions relative to the nature, workings and intent of my invention and its method and system, thereby creating a two distinct invention scenario, making it subject to restriction under 35 U.S.C. 121 and forcing me to make an unwarranted election of the invention to be examined when it is, in fact, only one method and system invention, not two.

The following is going to, as clearly and succinctly as possible, show the error in the present reasoning by the United States Patent and Trademark Office relative to the supposed convoluted and false two-invention assertion concerning my method and system for e-commerce freight management. My method and system provides for a Grand Master Bulletin Board approach for freight management as never before which includes Master Bulletin Boards and Bulletin Boards both public and private allowing shippers and carriers which are buyers and sellers to address, compare individual and alternatives, coordinate, and analyze a myriad of critical interrelated aspects of the freight management environment all via one method and system. First read claim 47 following.

Claim 47. (Currently amended) The method of claim 37, wherein available transportation equipment and planned trips, as well as loads, warehousing, products and services can be entered into the system all likened to a load with qualifications and descriptions as line items in lists of items and/or with

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descriptive prefixes.

Above claim 47 (Currently amended) reflects in a very simplified and abbreviated format that which is completely described within the description and specification portions of my method and system for e-commerce freight management application. This claim 47 (Currently amended) was revised from the original claim 11 (Cancelled) at the request and direction of the United States Patent and Trademark Office due its being in an overly narrative and descriptive format which repeated that already stated as aforementioned. However, reading claim 11 (Cancelled) below should immeasurably help in the understanding of the critical importance and directly freight management related nature of the "likened to a load" entries possible through the Grand Master Bulletin Board concept: carrier equipment availability, carrier equipment leasing or renting, multiple delivered loads, groups of loads, load tours, products to be bought and shipped, warehousing for products bought and shipped, and other freight management services. The Grand Master Bulletin Board method and system for e-commerce freight management is truly a versatile "transportation tool".

Claim 11. (Cancelled) The freight management method of claim 1, wherein likened to a load, equipment can be entered into the system with similar qualification and descriptions that are afforded load information. This allows carriers to advertise their available equipment to shippers and carriers along with pertinent requirements including price. The request for rates, bids and communication (RFB) for equipment is filled out with the following exception: The origin city and the destination city incorporate a prefix such as EQUIP/ followed by a state: A carrier can denote that anywhere in a state is acceptable.

(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/CHICAGO, IL) or

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(e.g. origin EQUIP/MILWAUKEE, WI – destination EQUIP/ANYWHERE, IL)

or

(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/CHICAGO, IL) or

(e.g. origin EQUIP/ANYWHERE, WI – destination EQUIP/ANYWHERE, IL);
and

wherein the freight management method and system of claim 1, wherein
likened to a load, leasing or renting of equipment can be indicated with an
origin and destination city prefix such as LEASE/ or RENT/. The RFB
with its additional information area will completely address the offering;
and

wherein the freight management method and system of claim 1, wherein
likened to a load, multiple delivered loads can be entered into the system
and indicated with an origin and destination city prefix as MULTI/. The
RFB also indicates the multiple delivery nature of the request and supplies
the required additional information; and

wherein the freight management method and system of claim 1, wherein
likened to a load, groups of loads can be entered into the system and
indicated with an origin and destination city prefix as GROUP/. The RFB
with its additional information area will completely address the request; and

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wherein the freight management method and system of claim 1, wherein likened to a load, tours can be entered into the system and indicated with an origin and destination city prefix as TOUR/. The RFB with its additional information area will completely address the request. This allows shippers and carriers to offer complete tours or if needing one or more legs of a tour to be combined with the one or more legs already established to address circuitous routing and return both the carriers equipment and driver to the point of origin; and

wherein the freight management method and system of claim 1, wherein likened to a load, products can be entered into the system and indicated with an origin city prefix as PROD/ and the destination city box used for the products description (e.g. origin PROD/MILWAUKEE, WI – destination “NAME” TOMATO SOUP, 24/8 OZ). The RFB with its additional information area will completely address the request. This option addresses products on the open market, special offerings or through diverting; and

wherein the freight management method and system of claim 1, wherein likened to a load, warehousing can be entered into the system and indicated with an origin city prefix as WARE/ and the destination city box used for the warehouse description (e.g. origin WARE/MILWAUKEE, WI – destination 250,000 SQ FT, HEATED, 20 FT HGT). The RFB with its additional information area will completely address the offering; and

wherein the freight management method and system of claim 1, wherein likened to a load, other services can be entered into the system and indicated with an origin city prefix as SERV/ or other descriptive

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abbreviation and the destination city box used to describe the service. The RFB with its additional information area will completely address the requirement of the service; and

wherein as an alternative or an addition to the above, a separate column on the bulletin boards can be incorporated to indicate equipment, leasing or renting, multiple loads, group loads, tours, products, warehousing and other services as opposed to a load request.

As claim 1 (Cancelled) above shows that shippers and carriers which, as aforementioned, are buyers and sellers by necessity have to address loads, products and services in the freight management arena as they are not divergent subject matter as asserted by the United States Patent and Trademark Office in Paragraph 6. of the August 24, 2006 Office Action. The Grand Master Bulletin Board with Master Bulletin Boards and Bulletin Boards by incorporating the "load" and "likened to a load" format allows shippers and carriers for the first time to fully integrate their freight management operations addressing the complete supply chain.

Just for example, using the method and system for e-commerce freight management, a shipper (buyer) or broker, etc could:

look for a product (likened to a load) in grocery (e.g. can goods) offered by a seller (e.g. wholesaler) with a pick-up origin city (e.g. Atlanta, GA), and bid or buy at fixed price,
and pick one of the shipper's distribution warehouses to store the product, and/or look for a warehouse (likened to a load) in a destination city (Milwaukee, WI) to store the product purchased,
and consider using your own fleet truck(s) to pick-up and move the product purchased (which is the load),

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and/or look for appropriate equipment (likened to a load) availability offered by carriers (as sellers) to compare overall costs and other advantages, and/or place a single load (the product purchased) request with the origin and destination cities, etc. to have carriers respond with bids, and/or combine the load with other loads to obtain a lower bid price, and/or ask for bids for multiple deliveries of similar loads on a scheduled basis to again obtain a lower bid price.

NOTE: With the unique flexibility of the Grand Master Bulletin Board method and system "transportation tool" a shipper (buyer) allows for a review each of the results of the multiple scenarios as indicated above before making a final determination and/or bid selection as to the best approach, understanding that all participants can be required to meet specific qualifications to participate. This total integration of supply chain steps within one environment is literally the "Holy Grail" for optimal freight management. Also, using only portions of the possible features of the method and system for any particular situation does not invalidate the overall invention by requiring only one group of parameters or classifications be they in combination or separately. Loads, equipment, warehousing and products (goods or services) are all integral parts of freight management.

Whereas, using the method and system for e-commerce freight management, again just for example, a carrier (seller) or broker or third party logistics company (3pl) or other shipper (acting as a seller) with fleet trucks, etc. could:

offer equipment (likened to a load) availability on which shippers could select or bid,

and/or review the shipper's request for bids on the load (the product purchased by the shipper) and place a bid,

and/or prior to placing a bid on the load, a carrier (seller) acting as a buyer

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places a request to interline with another carrier,
and/or places a request to complete a tour (likened to a load) or backhaul
with another carrier,
and/or reviews empty container (likened to a load) availability to be used,
occasionally for free, by the carrier as his own equipment during the
move back to a port location for an ocean shipping company,
and/or review the possibility of renting or leasing equipment (likened to a
load) for the move,
and address trip insurance (likened to a load), a service offering by
insurance companies which cover freight transportation.

NOTE: See NOTE above under the shipper (buyer) example as similar wording applies.

The applicant picked the aforementioned claims to most directly and simply describe why this method and system for e-commerce freight management fully complies with the intent and spirit of one invention. Along with the other independent and dependent claims, the complete invention is fully addressed. To assert that there are two separate and distinct inventions due to the various necessary classifications involved by suggesting that these classifications somehow represent recognized divergent subject matter triggering a restriction for examination purposes and requiring an election of the invention to be examined will destroy the very concept being submitted for patent application. The truly unique features of this pending patent is what has eluded the freight management industry to date and has somehow unfortunately eluded the understanding of United States Patent and Trademark Office as is evidenced by this latest Office Action.